United Nations A/56/371

General Assembly

Distr.: General
18 September 2001

Original: English

Fifty-sixth session
Item 59 of the provisional agenda*
Causes of conflict and the promotion of durable peace and sustainable development in Africa

Implementation of the recommendations contained in the report of the Secretary-General on the causes of conflict and the promotion of durable peace and sustainable development in Africa

Progress report of the Secretary-General**

Summary

The present report is submitted in compliance with General Assembly resolution 55/217 of 21 December 2000, on causes of conflict an the promotion of durable peace and sustainable development in Africa. The report updates the information contained in the progress report on the implementation of the recommendations of the Secretary-General, submitted to the Security Council in September 1999 (S/1999/1008).

Section II of the present report describes the specific follow-up action that has been initiated or completed in the areas of peacemaking, peacekeeping and post-conflict peace-building, while section III contains a broad overview of recent developments in the areas of governance and sustainable development. Section IV presents some concluding observations, underscoring the need for the international community to support the efforts of African countries to undertake and sustain reform of their economies. It should be recalled that the recommendations in the initial report of the Secretary-General were directed to all members of the international community, including the African countries and their development partners. The present report, however, primarily addresses how the organizations of the United Nations system have responded in the implementation of the recommendations.

* A/56/150.

** The present report was not submitted by the deadline of 13 August 2001 because the comments on the draft report had not been received from the organizations of the United Nations system that had provided the input.

01-54027 (E) 151001

I. Introduction[1]

1. The report of the Secretary-General on the causes of conflict and the promotion of durable peace and sustainable development in Africa (A/52/871-S/1998/318), which was considered by the General Assembly, the Security Council and the Economic and Social Council, contained a series of specific as well as broad recommendations on issues ranging form post-conflict peace-building to the mobilization of resources for development. The report highlighted the critical nexus between peace and development and advanced a comprehensive and integrated approach to conflict prevention, poverty eradication and development. This approach has been accepted by the international community, including African countries themselves, as a framework for the provision of support to Africa, as reflected in chapter VII of the United Nations Millennium Declaration (General Assembly resolution 55/2), on meeting the special needs of Africa, and the principles underlying the New African Initiative, adopted by the Assembly of Heads of State and Government of the Organization of African Unity (OAU) at its thirty-seventh ordinary session, held at Lusaka from 9 to 11 July 2001.

2. It is gratifying to note that the above-mentioned report is considered by Member States to be as valid today as it was three years ago. The recent debates on Africa in intergovernmental forums, including the twenty-fourth special session of the General Assembly, entitled "World Summit for Social Development and beyond: achieving social development for all in a globalizing world", the Millennium Summit and the related summit meeting of the Security Council, the Third United Nations Conference on the Least Developed Countries, the high-level segment of the substantive session of 2001 of the Economic and Social Council, on the role of the United Nations in support of the efforts of African countries to achieve sustainable development, the twenty-sixth special session of the General Assembly, on HIV/AIDS, and the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, confirm that peace, democracy and good governance are prerequisites for sustainable development in Africa and that comprehensive and integrated strategies need to be developed to address the root causes of conflict, including the economic and social dimensions thereof.

3. By resolution 53/92 of 7 December 1998, the General Assembly requested the President of the Assembly, in preparation for its discussion of the report of the Secretary-General at its fifty-fourth session, to establish an open-ended ad hoc working group to monitor the implementation of the recommendations contained in that resolution and, in particular, the recommendations contained in the report of the Secretary-General. The Open-ended Ad Hoc Working Group on the Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa held three sessions in 2000; its report[2] was considered by the Assembly at its fifty-fifth session. By resolution 55/217 of 21 December 2000, the Assembly endorsed certain proposals of the Working Group and extended its mandate until its fifty-sixth session. The group held two further substantive sessions in 2001.

4. In order to provide maximum support to the Working Group, the Under-Secretary-General, Special Adviser on Africa, was assigned the task of establishing and maintaining contacts with the President of the General Assembly and the two co-chairs of the Working Group, to ensure that they received the necessary support and collaboration, and to ensure consistency in the documentation prepared by the Secretariat for the Working Group, the progress report to be submitted to the General Assembly on the implementation of the recommendations contained in the initial report of the Secretary-General, and the report to the high-level segment of the substantive session of 2001 of the Economic and Social Council.

5. The present report, submitted in response to General Assembly resolution 55/217, updates the information contained in the progress report submitted by the Secretary-General to the Security Council in September 1999 (S/1999/1008). Section II describes the specific follow-up action that has been initiated or completed in the areas of peace and security, while section III contains a broad overview of recent developments in the areas of governance and sustainable development. It should be recalled that the recommendations in the initial report of the Secretary-General were directed to all members of the international community, including African countries and their development partners. The present report primarily addresses how the organizations of the United Nations system have responded in the implementation of the recommendations.

II. Responding to situations of conflict

A. Peacemaking

Appointing special mediators or special commissions to look into the sources of dispute, build confidence, and recommend practical solutions

6. The Secretary-General continues to appoint special mediators and representatives to help in the peacemaking process. After the signing of the Arusha Agreement on Peace and Reconciliation in Burundi and the establishment of the Implementation Monitoring Committee, a special representative was appointed to oversee the work of the Committee. To assist the inter-Congolese dialogue in the Democratic Republic of the Congo, facilitated by Sir Ketumile Masire, the former President of Botswana, the United Nations is providing staff and logistical support whenever required. Commissions of inquiry have also been established to investigate allegations of massacre levelled by Amnesty International against the Government of Togo, and another to investigate the killings that took place in Côte d'Ivoire after the presidential elections in 2000. The Commission of Inquiry on Togo and Amnesty International was established jointly by OAU and the United Nations. The key objective in establishing such commissions was to discourage a sense of impunity and to deter a repeat of such massacres. The Secretary-General is encouraging African regional and subregional organizations to appoint special envoys and, where appropriate, facilitate the establishment of councils of elders that would help to mediate disputes and promote practical solutions.

Avoiding a proliferation of mediation efforts

7. In order to avoid competing peace initiatives, the Secretary-General continues to consult with OAU and other interested parties. This process of consultation has resulted, for example, in the creation of a forum known as Consultations of Special Envoys and Representatives on Burundi, in which envoys of the United Nations, OAU and some of the members of the Security Council and regional groupings with an interest in Burundi participate. In 2001, a group similar to the Group of Friends established for Guinea-Bissau in 1999 at the initiative of the Economic Community of West African States (ECOWAS) was set up for Central African Republic to mobilize support for the consolidation of peace and reconciliation and resources for post-conflict peace-building.

8. The case for region-wide action is also strong, and the Department of Peacekeeping Operations of the United Nations Secretariat is in the process of consulting with African and non-African States on the terms of reference it has prepared for a working group, or group of friends, as a regular forum of exchange for strengthening coordination, improving the utilization of resources and following up action taken to enhance African peacekeeping capacity.

Making greater use of contact groups and special conferences

9. The international community has recently been mobilizing support for the peace efforts being undertaken in a number of African countries. An international contact group, led by the United Kingdom of Great Britain and Northern Ireland, continues to mobilize political, technical, financial and other support for the peace effort in Sierra Leone, including the disarmament, demobilization and reintegration programme. A number of members of the United Nations system, including the United Nations Secretariat (Department of Political Affairs), the United Nations Development Programme (UNDP) and the World Bank, are also in the forefront in mobilizing the international community to support post-conflict countries, through the convening of donor conferences, including those held for Burundi, the Central African republic and the Democratic Republic of the Congo in 2000.

Improving the effectiveness of sanctions

10. In order to ensure that sanctions applied by the Security Council are made more effective and are less blunt instruments, the United Nations Secretariat continues to organize and participate in meetings on this issue, including the most recent, convened in collaboration with the Government of Germany, on arms embargoes and air travel bans which would also apply to sanction regimes in place in Africa. The United Nations Regional Centre for Peace and Disarmament in Africa has undertaken a six-month study on the history of sanctions and arms embargoes in Africa from 1960 to date, which will help to provide a basis for further improvements in the special case of Africa. The Secretariat is also working in close

collaboration with the sanctions committees on Angola, Liberia and Sierra Leone, assisting them with investigations of violations and making recommendations on how to make the sanctions more effective.

Criminalizing the violation of Security Council arms embargoes

11. Since the issuance of the initial report of the Secretary-General, consultations have been held with a number of African States with a view to encouraging them to pass legislation making the violation of a Security Council arms embargo a criminal offence under national law. In follow-up, letters have been sent to the Governments of all African States, requesting information on the measures taken in this regard.

Stopping the proliferation of arms, reducing the purchase of arms and munitions to below 1.5 per cent of gross domestic product while maintaining a zero-growth budget for military expenditure and identifying international arms merchants

12. One of the contributing elements to violent conflict in Africa is the rapid accumulation, illicit sale and indiscriminate use of small arms. The overall participation in the United Nations Register of Conventional Arms by African States is among the lowest in the world. It has fluctuated during the period from 1992 to 1998, from approximately 24 per cent in 1992 to 6 per cent in 1998. African countries have been urged to contribute to the Register as a way of enhancing confidence-building measures. As at August 2000, only 4 of 53 African countries had contributed to the Register.[3] In 1999, a subregional conference, organized by the United Nations Advisory Committee on Security Questions in Central Africa at N'Djamena, called for the creation of a uniform weapons register at the national and subregional levels (see A/54/530-S/1999/1141). While recognizing the concerns of a number of African countries regarding the difficulty of adhering to these goals given the increasing insecurity caused by conflict, concrete suggestions will be sought on ways and means of obtaining a greater commitment to these goals and of encouraging specific subregions to take the lead or serve as a model in implementing the recommendation. It would also be important to see how the Register can be made more relevant to African conditions, in particular as regards the question of small arms and light weapons which are of more relevance to the region. Departments of the United Nations Secretariat will be encouraged to compile, to the extent possible, information and statistics on current arms spending by African countries. It is worth noting, however, that inadequate reporting and off-budget financing will make it difficult to get a true picture of military spending.

13. A great deal of support has been provided for the implementation of the Declaration of a Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons in West Africa (A/54/374, annex) through the UNDP-financed Programme for Coordination and Assistance for Security and Development, in collaboration with the United Nations Regional Centre for Peace and Disarmament in Africa and ECOWAS. The United Nations is also committed to supporting the activities associated with two additional initiatives, namely, the Nairobi Declaration on the Problem of the Proliferation of Illicit Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa (A/54/860-S/2000/385, annex) which emerged from the Great Lakes Region and Horn of Africa Conference on the Proliferation of Small Arms, held in March 2000, and the Declaration concerning Firearms, Ammunition and other Related Materials in the Southern African Development Community (A/CONF.192/PC/35, annex), adopted by the Heads of State and Government of the Southern African Development Community (SADC) at Windhoek on 9 March 2001. UNDP is also currently implementing a project in the Congo for the collection and destruction of small arms, linked to the reintegration of ex-combatants. It is hoped that the activities planned by the United Nations in this area will be strengthened by the actions to be taken at the national, regional and global levels to implement the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons,[4] adopted by the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects in July 2001.

B. Peacekeeping

Supporting African peacekeeping capacity

14. The United Nations continues to cooperate closely with OAU and subregional organizations in the prevention, management and resolution of conflicts,

namely, ECOWAS on conflicts in West Africa, including Guinea-Bissau and Sierra Leone, SADC on the conflict in the Democratic Republic of the Congo, and the Intergovernmental Authority on Development on Somalia and the Sudan. Cooperation to enhance African peacekeeping capacity is carried out through such activities as training, information exchange, joint exercises, the United Nations standby arrangement system and mine-clearance programmes. At the same time, the United Nations facilitates contacts between troop-contributing countries and donor States that can provide logistical support, including equipment, in order to strengthen Africa's capacity to forge effective partnerships in peacekeeping. UNDP has been supporting the OAU mechanism on conflict management. The programme includes: (a) support to the OAU information support system; (b) capacity-building at the Conflict Management Centre; (c) development of an early warning and response mechanism; and (d) assistance in mobilizing resources for the peace fund.

15. In consultation with OAU, ECOWAS and SADC, the United Nations Secretariat recently completed a general study on lessons learned in regard to cooperation between the United Nations and subregional organizations. The Lessons Learned Unit of the Department of Peacekeeping Operations has carried out a number of studies, drawing on the peacekeeping experience of the United Nations in Africa, including cooperation between the United Nations and regional organizations. These studies can help to develop better practices in different aspects of peacekeeping and assist African States in building their peacekeeping capacities. The Secretariat is discussing with OAU the convening of a joint workshop on lessons learned in peacekeeping operations in Africa. African countries should also benefit from the mechanisms now being put in place to implement the recommendations of the Panel on United Nations Peace Operations (A/55/305-S/2000/809).

16. In a recent report of the Secretary-General on prevention of armed conflict (A/55/985-S/2001/574 and Corr.1), the discussion of conflict prevention in Africa has been moved to a wider discussion on the need to shift the United Nations from a culture of reaction to one of prevention. In the report, the Secretary-General urges the General Assembly and the Economic and Social Council to be more actively involved in developing long-term conflict prevention and peace-building strategies. Indeed, the Secretary-General called on the Council to consider this question at a high-level segment of its annual substantive session at a future date. The Secretary-General also committed himself to playing a more active role in conflict prevention by undertaking missions to volatile regions, promoting the development of regional prevention strategies, establishing an informal network of eminent persons and improving the Secretariat's capacity for preventive action. If the recommendations proposed to the United Nations system, Member States, regional organizations and civil society were implemented, Africa, by the very fact that it is home to the largest number of conflicts, stands to benefit form their implementation.

Supporting African initiatives to resolve disputes

17. The United Nations is also providing specific services that can be utilized to support Africa's own peace initiatives, for example, UNDP is providing funding for the inventory of regional peace institutions, drawn up by the Department of Economic and Social Affairs of the United Nations Secretariat. The United Nations Development Fund for Women (UNIFEM) continues to work towards gender mainstreaming in its peace programme in East Africa, Central Africa and the Horn of Africa. Its activities in Burundi, Ethiopia, Eritrea, Rwanda, Somalia and the Sudan consist of facilitating women's participation in peace and reconciliation meetings and negotiations, supporting their involvement in advocacy for peace both within and outside their countries, and helping to build their capacity in the areas of leadership, human rights and lobbying techniques.

Contributing to the United Nations and OAU trust funds

18. The Secretary-General has continued to urge Member States to contribute bilaterally and multilaterally to the United Nations and OAU trust funds for peacekeeping. This priority is also reflected in the budgetary submissions of the Secretariat, and it is hoped that the General Assembly will heed these appeals and assist in encouraging adequate support for United Nations peacekeeping activities in Africa.

Protecting civilians in situations of conflict

19. As emphasized in the report of the Secretary-General on the protection of civilians in armed conflict (S/1999/957), the protection of civilians has become an important aspect of United Nations peacekeeping operations. The Security Council, in resolution 1296 (2000) of 19 April 2000, among other things, affirmed its intention to ensure, where appropriate and feasible, that peacekeeping missions are given suitable mandates and adequate resources to protect civilians under imminent threat of physical danger. The mandates of both the United Nations Mission in Sierra Leone and the United Nations Organization Mission in the Democratic Republic of the Congo now include the responsibility of providing protection to civilians under imminent threat of physical violence, and child protection monitors are being deployed throughout Sierra Leone. Human rights and United Nations civilian police personnel deployed as components of peacekeeping missions play an important role in increasing awareness of and respect for law and order and human rights. It is clear, however, that the United Nations will have to formulate proposals on the steps that could be taken to ensure greater compliance with international humanitarian and human rights norms by parties to conflicts. The Special Representative of the Secretary-General for Children and Armed Conflict has been working to expand the notion of children as "zones of peace", so that, in negotiating a ceasefire, the practice of allowing children in a war zone to be vaccinated or receive food supplies will be raised to a tenet of international humanitarian law. Unfortunately, no progress has been made on the recommendations pertaining to the development of international legal machinery to facilitate efforts to find, attach and seize the assets of parties and leaders who make civilians the deliberate target of aggression, and funding special human rights missions from assessed contributions.

Addressing refugee security issues

20. The issue of refugee security has been discussed as recently as 8 and 9 March 2001, during the global consultations conducted by the Office of the United Nations High Commissioner for Refugees (UNHCR) at Geneva. The issues involved are complex and difficult, relating to law and order and sovereignty. UNHCR has decided to establish standby arrangements with, initially, a limited number of Governments, for the provision of law and order and public security experts who will be known as humanitarian security officers. The officers will be deployed at the beginning of a refugee crisis as an integral component of UNHCR emergency response teams, and will work with concerned national and local public security institutions. A number of donor Governments have pledged their support for this initiative. Cooperative programmes with national police forces are already in place in Kenya and the United Republic of Tanzania, where UNHCR provides material support for the deployment of police forces for the purpose of ensuring law and order in and around the camps.

21. The Secretary-General has been particularly concerned about the vulnerability of women and children in conflict situations. In Sierra Leone, UNIFEM has been working with UNHCR to bring a gender perspective to the planning process for a UNHCR protection and assistance programme. The issues identified by UNIFEM include reproductive health care and assistance for women victims of sexual violence; psychosocial support of women in camp situations; synergistic support for children within the programme; and an emphasis on self-reliance and economic security. The result of this partnership is the establishment of a non-governmental women's forum with secretariats in northern and southern Sierra Leone; wider, institutionalized protection of women in Central and West Africa; and ongoing inter-agency collaboration in emergency situations.

22. Mitigating the impact of refugees on host countries is also an important issue, in particular for the least developed countries in Africa that are host countries. The recent crisis in Guinea, arising from cross-border incursions from Liberia and Sierra Leone, testifies to the difficulties posed by the country's generosity to its neighbours. In response to the emerging crisis, the World Bank is helping the Government to address urgent reconstruction needs in the context of its current operations and within its existing poverty reduction framework.

C. Post-conflict peace-building

Emergency assistance to reconstruction and development

23. An effective way for the United Nations to assist African countries in the area of peace-building is to combine measures taken in support of peace-building,

emergency assistance and longer-term development in a comprehensive and coherent response. Some United Nations agencies are engaged in a number of activities geared towards supporting long-term development objectives. The International Labour Organization (ILO) seeks to promote labour-intensive employment, aimed in particular at utilizing ex-combatants in projects on rural and urban infrastructure in a number of post-conflict countries. The World Bank approved in late July 2001 three projects aimed at assisting in rehabilitation and recovery after conflict and long-term decline: the post-conflict economic rehabilitation and the emergency demobilization and reintegration projects in the Congo and the emergency early recovery project in the Democratic Republic of the Congo will help to demobilize and reintegrate ex-combatants while helping to rehabilitate social and physical infrastructure and achieve macroeconomic stability. The agricultural relief programme of the Food and Agriculture Organization of the United Nations (FAO) provides direct assistance to affected populations in ways that encourage the rehabilitation and recovery of the food production sector. This involves the provision of essential input, such as seeds, hand tools and veterinary supplies, to enable the urgent resumption of agricultural activities. Efforts are geared towards enhancing household food security while building the self-reliance of affected farmers in the immediate post-conflict period. Since the long-term recovery of the food production sector is largely dependent on the efficiency and capacity of the agricultural infrastructure, FAO also delivers assistance for the rehabilitation of irrigation schemes in many African countries.

Establishing post-conflict peace-building support structures and creating the preconditions for reconstruction and development

24. A peace-building support office has been established for the Central African Republic, in addition to the ones in Guinea-Bissau and Liberia. These offices are engaged in a number of activities to ensure that critical priorities — such as encouraging reconciliation and demonstrating respect for human rights; fostering political inclusiveness and promoting national unity; ensuring the safe, smooth and early repatriation and resettlement of refugees and displaced persons; reintegrating ex-combatants and others into productive society; and curtailing the availability of small arms — are included in their activities.

25. A critical element in forging national reconciliation and social cohesion is to promote a culture of peace. As the lead agency on this issue, the United Nations Educational, Scientific and Cultural Organization (UNESCO) has undertaken a number of projects in several African countries aimed at building a culture of peace in countries such as Côte d'Ivoire, Mali, the Niger and Somalia. This has been done by creating and disseminating educational materials on a culture of peace, and organizing training sessions for parliamentarians and members of the armed and police forces, in particular on issues related to human rights. Working with civil society groups, UNESCO is also engaged in training women so as to strengthen their roles as peace promoters, and is promoting best practice in peace-building and non-violence conflict resolution.

26. The work of UNESCO is complemented by the innovative work of other bodies and organizations of the United Nations system, including UNHCR. Inspired by the Brookings spirit of mobilizing context-specific coalitions of the willing and able, UNHCR has embarked on a series of new partnerships while reinforcing ongoing partnerships in 2000, including those with bilateral development agencies and regional development banks. Imagine Coexistence, a joint initiative of UNHCR and the Programme on Negotiation at Harvard Law School, was launched in 2000. The project aims to promote co-existence in the short term during post-conflict reintegration in order to prevent the recurrence of violence in divided communities, and to promote long-term reconciliation. The focus will be on community-based income-generating activities across a range of sectors, where people learn, work, think and play together. A pilot project is scheduled to start at Ngoma, Rwanda, in 2001.

27. At a programmatic level, the Inter-Agency Standing Committee has taken steps to address linkages between relief and development by establishing an inter-agency reference group which is tasked with resolving issues related to the programming of post-conflict activities in an integrated manner. Building on other similar initiatives in the United Nations system, including the protracted relief and recovery operations of the World Food Programme, the report of the reference group will form the basis for

a series of actions in selected African countries. The Inter-Agency Standing Committee has also developed the consolidated appeal process as a strategic planning tool that promotes the transition from relief to development. The relevant departments and programmes of the Secretariat have also collaborated in developing the linkages between the consolidated appeal process and the United Nations Development Assistance Framework in cases where the two are being used together, including in Burundi and Uganda. This will further enhance cooperation and joint planning between relief and development partners. The consolidated appeal process and the Framework have yet to reach their potential and, in this context, all the relevant organizations are requested to rethink their strategies for resource mobilization.

28. For maximum effectiveness, there has to be strategic and administrative coordination among all key actors, including the United Nations system, national authorities, the Bretton Woods institutions, bilateral donors, regional organizations and non-governmental organizations. Such coordination would be essential in the context of mobilizing domestic and international resources for reconstruction and economic recovery. One possible model that could be used in the case of Africa is the ad hoc advisory group on countries emerging from conflict, called for by the Open-ended Ad Hoc Working Group on the Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa[5] and endorsed by the General Assembly in resolution 55/217. In its Ministerial Declaration adopted on 18 July 2001 (see A/56/3, chap. III), the Economic and Social Council has requested a report containing proposals on the mandate, composition and modalities of work of such a group in the first quarter of 2002.

29. An integrated subregional approach to conflict prevention and peace-building is critical to success. As noted in the report of the Inter-Agency Mission to West Africa (E/2001/56), Africa's domestic disputes all have regional and subregional dimensions, from arms and refugee flows to the overt and covert actions of neighbours. It has been agreed to establish the United Nations Office in West Africa which, among other things, would help to coordinate support for subregional peace efforts and peace-building activities.

Providing for peace-friendly structural adjustment programmes

30. The Bretton Woods institutions have been urged to find creative means of assisting post-conflict countries while at the same time easing the conditionality that normally accompanies loans. A consensus on the need for action appears to be developing in this area. In March 2001, the World Bank convened a consultative meeting in Paris to consider ways in which to render its post-conflict re-engagement more flexible and effective. The World Bank and the International Monetary Fund (IMF) jointly prepared a paper[6] for the Development Committee at its meeting in April 2001, outlining possibilities for the facilitation of assistance to post-conflict countries within the Heavily Indebted Poor Countries (HIPC) framework. A number of recommendations were made, including scaling up the post-conflict fund and/or broadening the scope of pre-arrears clearance International Development Association (IDA) grants for financing assistance in post-conflict countries with arrears; renewed efforts to mobilize interest subsidies for these countries; emphasizing institution-building and governance so as to establish a track record prior to the point of decision for post-conflict countries and developing mechanisms for tracking poverty-reducing resources in the interim period; and strengthening the current approach of the IDA to determine the size and monitoring the use of its allocations to these countries. The Bretton Woods institutions are hopeful that these measures will allow them to provide net positive transfers, in line with urgent needs.

III. Building durable peace and promoting economic growth

A. Promoting good governance

Promoting transparency and accountability in public administration

31. In his report, the Secretary-General urged African countries to agree on a timetable for the early enactment of legislation in countries implementing the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, and proposed that OAU consider devising, by 2000, a uniform African convention on the conduct of public officials and the transparency of public administration.

While very little progress has been made at the country and regional levels in this regard, the United Nations has supported the efforts of the African Conference of Ministers of Civil Service to adopt a charter for the public service in Africa which seeks, among other things, to encourage professionalism and ethics. While the United Nations continues to encourage African countries to implement the recommendations contained in the report of the Secretary-General, efforts will also be made to continue to advocate the prompt repatriation of the illegally acquired wealth that was transferred to Western banks by some corrupt African leaders and officials, and for African civil servants to receive adequate remuneration for their work.

Enhancing administrative capacity

32. The public service in many African countries remains weak. Strengthening its capacity is one of the critical contributions that the United Nations can make in assisting these countries to direct and manage their own development. The work of the Economic Commission for Africa (ECA) in enhancing the administrative capacity of African countries has several components. One important aspect is the support that ECA provides to Governments in Africa through technical advisory services for strengthening public service commissions and civil service colleges which, respectively, set and enforce public service rules and regulations and train public service personnel. The Department of Economic and Social Affairs is also supporting training for mid-career local and regional planners to enhance their knowledge and skills in formulating and implementing local and regional development policies and plans. Support is also being provided to Algeria, Chad, Equatorial Guinea, the Gambia, Guinea, Mauritania, Mozambique, Namibia and the Niger, aimed at strengthening various economic institutions and upgrading skills for strategic planning and defining good macroeconomic policies. On the other hand, ILO focuses its attention on creating transparent procedures and practices in ministries of labour for the development of relevant labour market data. A joint programme of UNDP and IMF on financial and economic management has been recently set up to build up governmental capacity in Nigeria.

33. The weakening of administrative capacity in Africa occurred gradually over time and can be attributed to several factors. In some countries, it is owing to conflicts; in others, it is a result of retrenchment in the context of adjustment programmes; and in still others, it has been caused by the departure to other countries of national experts. In recognition of the importance of strengthening the public sector, a new generation of adjustment programmes now places emphasis on administrative capacity-building.

34. Steps to implement the recommendations of the Secretary-General are in place, but training and policy development tend to focus only on key financial management institutions. In this connection, it is pertinent to note that the whole civil service structure must be addressed, given that its activities feed into those of the financial management bodies. The required capacity in terms of logistics and support systems are crucial to the effective functioning of the agencies and institutions, and the needed incentives should be provided to staff in order to retain them. Overall, the commitment of the Government, both financially and morally, is crucial to achieving the desired objectives.

35. A number of organizations of the United Nations system are also focusing their efforts on strengthening decentralization, with a view to strengthening local capacity and promoting partnerships in decision-making. The International Fund for Agricultural Development has initiated projects on rural decentralization in Ghana, Guinea and Senegal, while the World Bank is assisting African countries in building capacity in decentralization. IMF provides technical assistance to African countries in strengthening the judicial framework for improving governance in the areas of economic management, auditing, and codes of conduct in the fiscal, monetary and finical domains, including, where relevant, support and advice on civil service reform.

36. Building the capacity required for the consolidation of democratic practices and institutions is also of crucial importance. UNDP and ECA have continued with the Annual Governance Forum, which serves as a platform for member States to review the progress made in introducing and adopting strategies to strengthen governance practices in Africa. The fourth Forum discussed the contribution of the parliamentary process to consolidating good governance. The Department of Political Affairs continues to provide support and technical assistance to electoral commissions in Africa, including, among others, those in Guinea-Bissau, Nigeria and South Africa. Institution and capacity-building for post-conflict economic management is among the key priorities of the World

Bank post-conflict engagement. This includes efforts to enhance transparency in revenue collection and to improve budget management processes.

B. Sustainable development

Creating a positive environment for investment and economic growth

37. The importance of creating small and medium-sized enterprises in Africa in order to increase the employment prospects for the under-employed and unemployed needs to be given continued attention. The secretariat of the United Nations Conference on Trade and Development (UNCTAD) has undertaken work in Africa on a policy framework in the area of enterprise development and, in particular, the problems of small and medium-sized enterprises in engaging in a dialogue with government. To this end, three national reports on Ethiopia, Madagascar and the United Republic of Tanzania have been produced, in consultation with national experts. The UNCTAD initiative, Mediterranean 2000, an institution-building and entrepreneurship programme funded by the Government of Italy, is helping to build capacity in a number of African countries, including Egypt, Ethiopia, Morocco, Tunisia and Uganda. Ghana and Zimbabwe have also benefited from the Entrepreneurship Development Programme of UNCTAD, which is aimed at developing and strengthening centres for innovation and enterprise development. In the meantime, Enterprise Africa programme of the UNDP, which is operational in Botswana, Ethiopia, Ghana, Namibia, Nigeria, South Africa, the United Republic of Tanzania and Zimbabwe, continues to provide technical assistance in the development and implementation of new national programmes, the strengthening of existing national programmes, the facilitation of access to credit, the promotion of regional integration through the formation of networking at the enterprise level and the provision to Governments of policy advice on enterprise development.

38. Investment in Africa needs to be substantially increased if the region is to accelerate its growth to the level of the 7 to 8 per cent required to reduce poverty by half by 2015. Private investment is hampered by the weak institutional capacity of financial institutions, the fierce conditions in obtaining loans, the lack of raw materials and a limited domestic market, as well as low purchasing power.

Investing in human resources

39. The World Food Programme (WFP) has been involved in school feeding for more than three decades and recently received a special cover contribution of US$ 146 million under the Global Food for Education initiative of the United States of America. While school feeding helps both boy and girl students, special efforts are often needed to get more girls to enter school and improve their attendance. By providing food rations to families as a way of compensating them for the loss of a daughter's labour, WFP works to ensure equal educational opportunities for boys and girls in several sub-Saharan countries. At present, WFP is implementing projects directly aimed at promoting the education of girls through the distribution of dry rations to the families of schoolgirls in eight African countries.

40. Within the framework of the United Nations System-wide Special Initiative on Africa, a summit conference of the Heads of State of Burkina Faso, Chad, Guinea, Mali, the Niger and Senegal was held at Bamako in November 2000, to explore how to accelerate the Education for All agenda in those countries. The conference, which was jointly organized by the Government of Mali, UNESCO and the World Bank, was preceded by a conference of ministers of education and of finance, representatives from civil society and representatives of external donor agencies.

Public health priorities

41. In his report, the Secretary-General called for a new focus by Africa and the international community on reducing the mortality rate of treatable and preventable diseases, and urged that consideration be given to the use of emergency and humanitarian resources for that purpose. It is now clear to all that public health crises, in particular HIV/AIDS, are no longer regarded only as medical issues. Their social and economic implications are now well understood, as witnessed by the OAU Special Summit on HIV/AIDS, Tuberculosis and Other Related Infectious Diseases, held at Abuja from 24 to 27 April 2001, and the twenty-sixth special session of the General Assembly on HIV/AIDS. All of the key United Nations organizations have now mainstreamed HIV/AIDS into their projects and programmes. ILO has developed a

draft code of practice on HIV/AIDS in the world of work, while FAO has undertaken studies on the impact of HIV/AIDS on food security, rural development, nutrition, agricultural extension services and genetic resources, among others, in order to provide sub-Saharan African countries with policy advice and strategies to counter the negative effects. UNESCO has adopted a strategy for HIV/AIDS preventive education and is reviewing a cultural approach towards HIV/AIDS prevention and care. The UNDP regional project on HIV/AIDS and development is intended to provide policy direction and strategies for establishing operational linkages between national HIV/AIDS programmes in Africa and to oversee the development and implementation of an expanded regional programme for HIV/AIDS.

42. While the idea of using emergency and humanitarian resources for HIV/AIDS prevention and treatment did not materialize, it is worth mentioning that the proposal of the Secretary-General regarding the establishment of the Global AIDS and Health Fund was accepted by key actors. The Fund, which has a subscription of US$ 1.4 billion as at 30 July 2001, will be operational by the end of 2001. The World Bank is also providing important funding for HIV/AIDS prevention and treatment. Its multi-country AIDS programme for Africa has provided US$ 500 million to help 10 African countries to improve effective prevention, care and treatment, with emphasis on the involvement of civil society and the community. It is expected that US$ 500 million more will be made available in 2002 to reach another 15 African countries. The Secretary-General will continue to ensure that the entire United Nations system gives priority to the full implementation of the Declaration of Commitment on HIV/AIDS, adopted by the General Assembly in resolution S-26/2 of 27 June 2001, including through the provision of support to Governments in their expanded national response to the epidemic and the further strengthening of coordinated action at the country level.

43. Much more global attention has been given to malaria since the Secretary-General called for additional research into new preventive techniques for the disease. Malaria was on the agenda of the Group of Eight meeting in 2000 and of the special summit meeting of African leaders on the theme "Roll back malaria in Africa", held at Abuja in April 2000. The amount of research has increased and the Medicines for Malaria Venture, associated with the Roll Back Malaria initiative of WHO, the World Bank, UNICEF and UNDP, intends to develop a new anti-malarial vaccine every five years in response to the growing problem of malaria-resistant drugs. The International Atomic Energy Agency is also addressing this problem, introducing molecular-based diagnostics for drug-resistant strains of malaria. The prospects for additional research in African countries have improved with the announcement by WHO and the world's six biggest publishers of medical journals of a three-year initiative that would allow 1,000 of the world's leading medical and scientific journals to be made available through the Internet to medical schools and research institutions free of charge, or for substantially reduced rates. This initiative can help to reduce the health information gap between rich and poor countries and will prove an important step in the establishment of the Health InterNetwork, a project introduced at the Millennium Summit in 2000.

44. The problem of affordable access to medicines remains a major challenge. The Secretary-General called upon the pharmaceutical industries to work with African countries and WHO in setting a timetable for achieving more affordable access by Africa to life-saving and life-enhancing drugs, including drugs for the treatment of HIV/AIDS. In 2001, significant progress has been made with regard to HIV/AIDS and tuberculosis. Pressure from civil society organizations and competition among manufacturers of HIV/AIDS drugs have led to an openness towards the concept of tiered pricing, where drugs are being sold to developing countries at a drastically reduced rate while higher prices are maintained in the markets of developed countries. The Secretary-General has personally met with the top executives of six leading multinational pharmaceutical companies to discuss the further steps that can be taken by these companies to make care and treatment more accessible for people with HIV/AIDS living in developing countries. The companies committed themselves to a substantial reduction in prices, with a special emphasis on the least developed countries, particularly those in Africa. One pharmaceutical company has since offered free of charge to the least developed countries a drug that is used to fight a class of opportunistic infections, and second-line drugs for people suffering from the deadly strains of multidrug-resistant tuberculosis are being offered to poor countries at substantially reduced prices as a result of the efforts of WHO, Médecins sans

frontières and Harvard Medical School. While access has improved, there is still much to be done since most people in Africa will still not be able to afford the cheaper drugs. The challenge of how to distribute and monitor the use of these drugs effectively is still to be addressed.

Eliminating all forms of discrimination against women

45. The Secretariat continues to encourage African States to ratify or accede to the Convention on the Elimination of All Forms of Discrimination against Women and to encourage those States that are parties to the Convention to submit the reports required under article 18 of the Convention. The framework of the Convention can provide the means to generate real policy change by eliminating systemic and systematic gender discrimination. Four African countries are still to ratify the Convention and it is hoped that they will do so during the forthcoming General Assembly. In the meantime, key United Nations agencies continue to assist African countries in capacity-building for the implementation of the Convention.

46. In 2000, the United Nations Centre for Human Settlements (Habitat) prepared a study of women's status in Africa using the national plans of action of more than 12 countries, and prepared a framework of intervention for mainstreaming gender issues in the policies and programmes of those countries. The Centre has targeted poor women in post-conflict situations in its operational activities in Rwanda, and has been working with UNIFEM to help to ensure that women can inherit property. The 10-year Girls' Education Initiative, which was announced by the Secretary-General at the World Education Forum held at Dakar in April 2000, and which seeks to bring greater coherence to the work being undertaken in the system, should help to eliminate discrimination in the area of education. UNICEF, UNESCO, UNIFEM and the United Nations Population Fund are together implementing this initiative in Africa.

Restructuring international aid

47. The Secretary-General has, since 1998, consistently called upon the international community to restructure aid so as to reduce dependency and promote social development in such areas as clean drinking water, basic literacy and health care, and infrastructural development. Donors have been urged to ensure that at least 50 per cent of their aid to Africa is spent in Africa. It is now commonly agreed that development assistance should focus on basic social services. Because major infrastructural projects are so capital-intensive and official development assistance alone is insufficient, many donors are now considering how they can use development aid to attract private investment in infrastructure in the least developed countries. Given its role in facilitating trade, investment in infrastructure can help to reduce future dependency on aid. In this connection, the announcement made by the member countries of the Development Assistance Committee of the Organisation for Economic Cooperation and Development during the Third United Nations Conference on the Least Developed Countries, whereby development assistance to the least developed countries would be untied from procurement in donor countries beginning 1 January 2002, is very much appreciated. The implementation of the agreement will go a long way towards increasing the efficiency of aid in the least developed countries in Africa and will increase the amount of aid retained by those countries. Donors are urged to extend this agreement to all African countries.

Reducing the debt burden

48. Creditor countries are being urged to convert into grants all of the remaining bilateral debts of the poorest African countries. A few donor countries have cancelled the official debts of some of the African least developed countries, but there is a need to advocate more across-the-board action in this regard and to urge that debt relief not be covered from the development assistance budget. International financial institutions are being urged to ease significantly and quicken access to facilities for heavily indebted poor countries, and to provide countries with sufficient resources. To date, 19 African countries (Benin, Burkina Faso, Cameroon, the Gambia, Guinea, Guinea-Bissau, Madagascar, Malawi, Mali, Mauritania, Mozambique, Nicaragua, the Niger, Rwanda, Sao Tome and Principe, Senegal, the United Republic of Tanzania, Uganda and Zambia), have reached their decision point under the enhanced HIPC debt initiative and one country, Uganda, has reached its completion point under the original HIPC initiative. These countries have begun to receive relief, which will amount to some US$ 34 billion over time. While the acceleration of the enhanced HIPC process is welcome, concern has been

expressed that even the countries that benefit under the process might not find a permanent solution for their debt and debt-servicing burden.

Opening international markets

49. Expanded and diversified exports are important tools for improving development prospects and for achieving international development targets; however, much more needs to be done to extend market access for all goods from African countries by further reducing or removing tariff escalation as a way to encourage diversification. The next round of multilateral trade negotiations must be a true development round that addresses the issues of subsidies and the further elimination of tariff barriers to African exports. The granting by the European Union, a key market for Africa, of duty-free and quota-free access for most products of export interest to the least developed countries by 2009 must be commended, and other countries should be encouraged to do the same. The Africa Growth and Opportunity Act, which was passed by the United States Congress in 2001, has the potential to help some African countries to expand and diversity their exports.

50. As markets open further, the international community should direct assistance to the development of the productive capacity in Africa and the enhancement of industries on the continent. The secretariat of UNCTAD has continued its cooperation with the World Trade Organization and the International Trade Centre (UNCTAD/World Trade Organization) under the Joint Integrated Technical Assistance Programme for Selected Least Developed and other African Countries, which is considered by many to be an innovative approach to technical assistance. The Integrated Framework for Trade-related Technical Assistance to support the least developed countries in their trade and trade-related activities has been recently overhauled to make it more effective. It will now seek to mainstream trade into a country's overall development strategy through the United Nations Development Assistance Framework and/or the poverty reduction strategy papers (PRSP) process in order to ensure that trade policy, trade-related technical assistance and capacity-building needs are articulated in a broad development context. A trust fund has been established to fund the Integrated Framework on a pilot basis before the programme is extended to a wider group of countries.

Support for regional cooperation and integration

51. In his initial report, the Secretary-General noted that specific activities at the subregional level could include cooperative projects that linked two or more countries — common economic enterprise zones, common infrastructural projects, or joint tourism efforts. It was in this context that the United Nations system and other partners were requested to assist African countries in examining ways in which regional and subregional integration could be used to promote economic discipline and sound macroeconomic policy, and in facilitating the establishment of solid institutional and confidence-building links between neighbouring States. With the establishment of the African Union, it will be even more urgent to create the conditions for a convergence of sound macroeconomic policies within subregional groupings and for good-neighbourliness among and between neighbours. UNDP has designed an innovative new programme to support regional integration through the private sector based on the experience of South-East Asia, which could give subregional organizations the dynamism needed for fast-paced integration. The Programme for Innovative Cooperation among the South, which promotes the concept of a growth triangle, has begun with a pilot growth triangle of Malawi, Mozambique and Zambia. This programme can help to translate the building-block approach of the African Economic Community, an essential component of the African Union, and, in so doing, deepen the integration process. By bringing the most marginalized neighbouring regions of the three States into common economic enterprise zones and promoting closer economic ties, it is likely that greater efforts will be devoted to preventing disputes and tensions from turning into conflicts. It is hoped that conditions will quickly improve in the Horn of Africa, Central Africa and the Mano River Union countries of Guinea, Liberia and Sierra Leone so as to allow similar growth triangles to be established.

52. Because of the subregional dimensions of conflicts in Africa, it is imperative that subregional initiatives for promoting peace and development be strengthened and that an integrated subregional approach be developed towards conflict prevention and peace-building. It is hoped that the establishment of the United Nations Office in West Africa as recommended by the Inter-Agency Mission to West Africa in March

2001, will help to facilitate institutional and confidence-building links among countries of the subregion as it seeks to promote integrated subregional policies in the political, security, human rights, humanitarian and development areas.

Harmonizing current international and bilateral initiatives

53. The Administrative Committee on Coordination, at its meeting held at Nairobi in April 2001, pledged its unified support for initiatives owned and led by Africa, including the emerging Millennium Africa Recovery Programme of Presidents Mbeki of South Africa, Bouteflika of Algeria and Obasanjo of Nigeria, and the OMEGA Plan of President Wade of Senegal, which has since been merged into the New African Initiative that was adopted by the Assembly of Heads of State and Government of OAU at Lusaka in July 2001. The Administrative Committee on Coordination confirmed that there will be no new initiatives on Africa coming from the United Nations system but expressed its intention to work towards a unified framework of action by the United Nations system and the international community, based on a rationalization and concordance of existing initiatives.

54. In the Ministerial Declaration adopted by the Economic and Social Council at the conclusion of its high-level segment in 2001 (see A/56/3, chap. III, para. 26), the Council invited the Secretary-General to take the requisite measures to ensure an effective and coordinated response of the United Nations system to the New African Initiative. In doing so, lessons learned from the implementation of the many initiatives that have been put in place for Africa will be taken into account in order to ensure that the guiding principles in developing such a framework will be realism, urgency and efficiency, supportive of African ownership and leadership of programmes. As noted in the Ministerial Declaration, the final review and appraisal of the United Nations New Agenda for the Development of Africa in the 1990s, scheduled for September 2002, presents an opportunity for an assessment of the role that the United Nations and the international community have played in supporting Africa's priorities, including a comprehensive review of initiatives on Africa.

IV. Concluding observations

55. The debate on conflict prevention and peace-building over the past three years is proof that the recommendations contained in the 1998 report of the Secretary-General remain valid. The fact that a significant number of the least developed countries are also conflict-prone countries must surely underline the interrelationship between peace and development. It is noteworthy that the African Heads of State and Government have endorsed the linkage among peace, good governance and democracy, and have stated clearly in the New African Initiative that they are preconditions for development. They have also committed themselves to strengthening mechanisms for conflict prevention, management and resolution, and to promoting and protecting democracy and human rights in their respective countries and regions by developing clear standards of accountability, transparency and participative governance at the national and subnational levels. It is hoped that a strengthened and dynamic civil society will be enabled to contribute, in partnership with Governments, to the enhancement of peace and security in Africa.

56. Indeed, in proposing a new global partnership with their development partners, African leaders have committed themselves to developing the appropriate diagnostic and assessment tools, in support of compliance with shared goals, and to identifying institutional weaknesses and seeking resources and expertise for addressing the weaknesses identified by the process. Taking on the ownership and responsibility for their development gives rise to the hope that genuine efforts will be made by African leaders to achieve the goals that they have set for themselves. African countries and their leaders will be able to do more, and do it more quickly, if they have the support of the international community. The Group of Eight industrialized countries, at their summit meeting held at Genoa, Italy, in June 2001, adopted the Plan for Africa, which has priorities similar to those of the New African Initiative and which is being developed with input from African leaders. The United Nations welcomes this new development with the hope that the Plan for Africa will complement the efforts of the United Nations system directed at Africa.

57. The launching of the African Union heralds a new opportunity to rebuild a continent of promise and potential, one unified by peace, cooperation, economic

progress and the rule of law. It is recognized that the obstacles to fulfilling this vision are immense — the challenges posed by the reversals in human development over the past 15 years, increased poverty levels, the devastation caused by HIV/AIDS, and the destruction of social and physical infrastructure caused by violent conflict will have to be resolutely met if African countries are to begin to catch up with those in other regions. Durable peace is a basic requirement for the economic and social progress of Africa and, despite the setbacks, there is hope that the region will soon turn the corner.

58. Since the submission of the previous progress report of the Secretary-General, the war in Ethiopia and Eritrea has ended and a United Nations peacekeeping operation is patrolling the ceasefire line and helping to solidify peaceful relations. In the Democratic Republic of the Congo, prospects are improving for negotiations among all parties, which could begin the process of bringing stability and security to that vast country. There are also signs of hope in Burundi and Sierra Leone, although the crisis in Liberia and Sierra Leone is now spreading to Guinea.

59. Progress has been made in implementing many of the recommendations contained in the report of the Secretary-General but much more needs to be done to improve political and economic governance and to stop the proliferation of small arms on the continent. Reducing poverty continues to be the biggest challenge for the region, and the mobilization of domestic and external resources is urgent. Given Africa's low capacity to generate savings and investment, the region will continue to rely on a strong and committed international partnership. As African leaders demonstrate their willingness to undertake and sustain difficult reforms, their actions need to be rewarded by increased assistance, and the call made by the Economic and Social Council in its Ministerial Declaration that particular attention be given to the special needs of Africa in the International Conference on Financing for Development, to be held at Monterrey, Mexico, from 18 to 22 March 2002, should be heeded.

Notes

[1] The present report provides a broad overview of efforts to implement the recommendations contained in the initial report of the Secretary-General. For more detailed information, visit the web site of the Open-ended Ad Hoc Working Group of the General Assembly on the Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa (http://www.un.org/esa/africa/adhocWg/matrix2001.htm).

[2] *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 45* (A/55/45).

[3] See the 2001 Information Booklet on the United Nations Register on Conventional Arms (http://www.un.org/Depts/dda/CAB/Register_booklet/UNRCAbooklet2001).

[4] See *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, New York, 9-20 July 2001* (A/CONF.192/15), chap. IV.

[5] *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 45* (A/55/45), para. 48.

[6] See www.imf.org/external/np/hipc/2001/pc/042001.htm.

United Nations A/56/372-S/2001/881

General Assembly
Security Council

Distr.: General
19 September 2001

Original: English

General Assembly
Fifty-sixth session
Agenda item 15 (c)
Elections to fill vacancies in principal organs

Security Council
Fifty-sixth year

Election of a member of the International Court of Justice

Memorandum by the Secretary-General

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I. Introduction

1. By a letter dated 12 June 2001, a certified copy of which was forwarded to the attention of the Secretary-General under the cover of a letter dated 14 June 2001 from the President of the International Court of Justice, Judge and former President Mohammed Bedjaoui informed the President of the Court, pursuant to article 13, paragraph 4, of the Statute of the Court, of his resignation as a member of the Court effective 30 September 2001. A vacancy in the Court will therefore occur on 30 September 2001.

2. Judge and former President Bedjaoui was elected as a member of the Court as from 19 March 1982 and was re-elected as from 6 February 1988 and from 6 February 1997. His current term of office would have expired on 5 February 2006. According to article 14 of the Statute of the Court, the vacancy shall be filled by the same method as that laid down for the regular election and the Secretary-General shall, within one month of the occurrence of the vacancy, issue the invitations for nominations provided for in article 5 of the Statute. According to article 5, paragraph 1, of the Statute, the invitations for nomination have to be made at least three months before the date of the election, which is, pursuant to article 14, to be fixed by the Security Council.

3. By a note dated 21 June 2001 addressed to the Security Council (S/2001/615), the Secretary-General referred to Judge Bedjaoui's letter of resignation and drew its attention to article 14 of the Statute of the Court regarding fixing the date of the election to fill the vacancy in the International Court of Justice. Pursuant to article 14 of the Statute of the Court, the Security Council decided, by resolution 1361 (2001) of 5 July 2001, that the election to fill the vacancy should take place on 12 October 2001 at a meeting of the Security Council and at a meeting of the General Assembly at its fifty-sixth session. By a note dated 22 June 2001 (A/56/142), the Secretary-General informed the General Assembly of the resignation of Judge Bedjaoui. The Secretary-General further pointed out that since the preliminary list of items to be included in the provisional agenda of the fifty-sixth session of the General Assembly (A/56/50) did not contain a sub-item concerning the election of members of the International Court of Justice, he deemed it necessary to include in the provisional agenda of the fifty-sixth session of the General Assembly, pursuant to rule 13 (g) of the rules of procedure of the General Assembly, under item 15, entitled "Elections to fill vacancies in principal organs", a sub-item entitled "Election of a member of the International Court of Justice".

4. Pursuant to article 5, paragraph 1, of the Statute of the Court, the Secretary-General, in a communication dated 5 July 2001, invited the national groups of States parties to the Statute of the Court to undertake the nomination of persons in a position to accept the duties of a member of the Court. The Secretary-General further requested that nominations should be received no later than 12 September 2001. A list of nominations received by that date and the curricula vitae of the candidates are transmitted in separate documents of the General Assembly and the Security Council (A/56/373-S/2001/882 and A/56/374-S/2001/883 respectively). The names of the candidates will appear on the ballot papers to be distributed during the election.

5. Article 15 of the Statute of the Court provides that a member of the Court elected to replace a member whose term of office has not expired shall hold office for the remainder of the predecessor's term. The member elected to replace Judge Bedjaoui will thus serve until 5 February 2006.

6. The current composition of the Court and the procedure in the General Assembly and the Security Council for filling the vacancy are described below.

II. Composition of the International Court of Justice

7. The present composition of the International Court of Justice is as follows:

President:
Gilbert Guillaume (France)***

Vice-President:
Shi Jiuyong (China)*

Judges:
Shigeru Oda (Japan)*
Mohammed Bedjaoui (Algeria)**
Raymond Ranjeva (Madagascar)***
Géza Herczegh (Hungary)*
Carl-August Fleischhauer (Germany)*
Abdul G. Koroma (Sierra Leone)*
Vladlen S. Vereshchetin (Russian Federation)**

Rosalyn Higgins (United Kingdom of Great Britain and Northern Ireland)***
Gonzalo Parra-Aranguren (Venezuela)***
Pieter H. Kooijmans (Netherlands)**
Francisco Rezek (Brazil)**
Awn Shawkat Al-Khasawneh (Jordan)***
Thomas Buergenthal (United States of America)**

* Term of office expires on 5 February 2003.
** Term of office expires on 5 February 2006.
*** Term of office expires on 5 February 2009.

III. Procedure in the General Assembly and in the Security Council

8. The election will take place in accordance with the following:

(a) The Statute of the Court, in particular articles 2 to 4 and 7 to 12 and 14;

(b) Rules 150 and 151 of the rules of procedure of the General Assembly;

(c) Rules 40 and 61 of the provisional rules of procedure of the Security Council.

9. In accordance with General Assembly resolution 264 (III) of 8 October 1948, Switzerland, which is a party to the Statute of the Court but not a member of the United Nations, has been invited to participate in the General Assembly in electing members of the Court in the same manner as the States Members of the United Nations.

10. On the date of the election, the General Assembly and the Security Council will proceed, independently of one another, to elect one member of the Court to fill the vacancy (article 8 of the Statute).

11. According to article 2 of the Statute, judges are to be elected, regardless of their nationality, from among persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law. Article 9 requires electors to bear in mind not only that the person to be elected should individually possess the qualifications required, but also that, in the body as a whole, the representation of the main forms of civilization and of the principal legal systems of the world should be assured.

12. The candidate who obtains an absolute majority of votes both in the General Assembly and in the Security Council will be considered as elected (article 10, paragraph 1, of the Statute).

13. The consistent practice of the United Nations has been to interpret the words "absolute majority" as meaning a majority of all electors whether or not they vote or are allowed to vote. The electors in the General Assembly are all 189 Member States together with the one non-member State, mentioned in paragraph 9 above, which is a party to the Statute of the Court. Accordingly, 96 votes constitutes an absolute majority in the Assembly for the purpose of the present Court election.

14. In the Security Council, eight votes constitutes an absolute majority and no distinction is made between permanent and non-permanent members of the Council (article 10, paragraph 2, of the Statute).

15. Only those candidates whose names appear on the ballot papers are eligible for election. The electors in the General Assembly and in the Security Council will indicate the candidate for whom they wish to vote by placing a cross against the name on the ballot paper. Each elector may vote for only one candidate.

16. At the 915th plenary meeting of the General Assembly, on 16 November 1960, a procedural discussion took place as to whether rule 94 (then rule 96) of the rules of procedure of the Assembly should be applied in elections to the International Court of Justice. That rule lays down a procedure for restricted ballots in the event that, after the first ballot, the requisite number of candidates have not obtained the required majority. The Assembly decided that the rule did not apply to elections to the Court and it proceeded to elect the requisite number of candidates by a series of unrestricted ballots. That decision has been followed consistently.

17. If, in the first ballot in either the General Assembly or the Security Council, no candidate receives an absolute majority, a second ballot will be held and balloting will continue in the same meeting until a candidate has obtained the required majority (rule 151 of the rules of procedure of the Assembly and rule 61 of the provisional rules of procedure of the Council).

18. Cases have arisen in the Security Council in which more than the required number of candidates have obtained an absolute majority on the same ballot. The practice followed by the Council has been to hold a new vote on all the candidates, and in such cases the President of the Council has made no notification to the President of the General Assembly until only the required number of candidates, and no more, had obtained an absolute majority in the Council.

19. When a candidate has obtained the required majority in one of the organs, the President of that organ will notify the President of the other organ of the name of that candidate. Such notification is not communicated by the President of the second organ to the members until that organ has itself given a candidate the required majority of votes.

20. If, upon comparison of the name of the candidate so selected by the General Assembly and the Security Council, it is found that the result is different, the Assembly and the Council will proceed, again independently of one another, in a second meeting and, if necessary, a third meeting to elect one candidate by further ballots, the results again being compared after one candidate has obtained an absolute majority in each organ. If necessary, the above procedure will be repeated until the General Assembly and the Security Council have given an absolute majority of votes to the same candidate.

21. If, however, after the third meeting, the vacancy still remains unfilled, the special procedure set out in article 12 of the Statute of the Court may be resorted to at the request of either the General Assembly or the Security Council.